

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephen Alan Foxon  
Serial No.: 10/816,390  
Filing Date: March 31, 2004  
Art Unit: 1771  
Examiner: Cheryl Ann Juska  
Confirmation No.: 1657  
Title: CONSTRUCTION OF PLAYING SURFACES

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR REFUND**

I. On September 26, 2006, the U.S. Patent and Trademark Office debited the Baker Botts L.L.P. Deposit Account No. 02-0384 in connection with the above referenced patent application. The U.S. Patent and Trademark Office debited said account \$525.00 under RAM number 454 for the fees in filing a Request for Continued Examination and a Petition to Withdraw from Issue.

The Petition to Withdraw from Issue was filed concurrently with a Request for Continued Examination (“RCE”) and an Information Disclosure Statement via EFS web filing on September 26, 2006. The fee for the RCE was \$395.00 and the fee for the petition was \$130.00. Both fees were debited via Baker Botts L.L.P. Deposit Account No. 02-0384 at the time of filing (see attached PTO Acknowledgement Receipt). The Petition to Withdraw from Issue was not necessary since the issue fee had not been paid. (see attached Decision Dismissing Petition Under 37 CFR 1.313(a)). Accordingly, Applicant respectfully requests a refund of \$130.00 in this matter.

ATTORNEY DOCKET NUMBER  
072819.0158

PATENT  
10/816,390

II. FEES PAID FOR WHICH REFUND REQUESTED

Amount of \$130.00 charged in error for the fee due in connection with a Petition to Withdraw from Issue.

III. MANNER OF REFUND

Please make refund by crediting Account No. 02-0384 of Baker Botts L.L.P.

BAKER BOTTS L.L.P.

Attorneys for Applicants



Charles S. Fish  
Reg. No. 35,870

Date: 05 Oct 06  
Customer No.: 05073

**Acknowledgement Receipt**

The USPTO has received your submission at **17:29:33** Eastern Time on **26-SEP-2006** by Deposit Account: 020384.

**\$ 525** fee paid by e-Filer via RAM with Confirmation Number: 454.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

**eFiled Application Information**

EFS ID	1220919
Application Number	10816390
Confirmation Number	1657
Title	CONSTRUCTION OF PLAYING SURFACES
First Named Inventor	Stephen Alan Foxon
Customer Number or Correspondence Address	5073
Filed By	Charles Spaulding Fish/Judy Baggett
Attorney Docket Number	072819.0158
Filing Date	31-MAR-2004
Receipt Date	26-SEP-2006
Application Type	Utility

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
158ptwfi.pdf	3	Petition to Withdraw from Issue	59616 bytes	◆ PASS
158rce.pdf	6		166315 bytes	◆ PASS
<b>Document Description</b>				
		Request for Continued Examination (RCE)	1	1
		Claims	2	4
		Applicant Arguments/Remarks Made in an Amendment	5	6

158ids.pdf	4	Information Disclosure Statement (IDS) Filed	111779 bytes	▲ WARNINGS
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158ref1.pdf	12	Foreign Reference	472286 bytes	◆ PASS
158ref2.pdf	7	Foreign Reference	394911 bytes	◆ PASS
158ref4.pdf	16	Foreign Reference	677428 bytes	◆ PASS
158ref5.pdf	19	Foreign Reference	564103 bytes	◆ PASS

158ref6.pdf	6	Foreign Reference	329255 bytes	◆ PASS
158ref3.pdf	20	Foreign Reference	851710 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-875)	8317 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

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SEP 28 2006

**OFFICE OF PETITIONS**

In re Application of  
Stephen Alan Foxon  
Application No. 10/816,390  
Filed: March 31, 2004  
Attorney Docket No. 072819.0158

ON PETITION

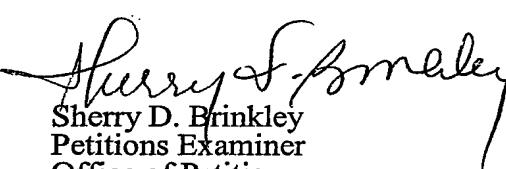
This is a decision on the petition under 37 CFR 1.313(c), filed September 26, 2006, requesting that the above-identified application be withdrawn from issue.

The petition is **DISMISSED AS MOOT**.

Petitioner requests that the application be withdrawn from issue for consideration of a request for continued examination (RCE) in compliance with 37 CFR 1.114, filed on September 26, 2006. Since the RCE is filed within the period set for paying the issue fee, as required by the Notice of Allowance and Issue Fee Due mailed July 11, 2006, prosecution is reopened in the present application. Consequently, no petition under 37 CFR 1.313 is necessary.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1771 for further processing of the RCE under 37 CFR 1.114 filed September 26, 2006.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions